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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,586	09/23/2003	John S. Hsu	920976.00005	2411
26710	7590	08/16/2005	EXAMINER	
QUARLES & BRADY LLP 411 E. WISCONSIN AVENUE SUITE 2040 MILWAUKEE, WI 53202-4497			TAMAI, KARL I	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,586

Applicant(s)

HSU, JOHN S.

Examiner

Tamai I.E. Karl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-19 is/are rejected.
- 7) ☒ Claim(s) 7, 8, 20 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The objection to the title is withdrawn.

Drawings

2. The objection to Figures 1a, 1b, and 1c is withdrawn, as page 5, paragraphs 25 of the specification discloses the figures represents the present invention. The examiner notes the drawings are identical to the figures 5a-5c in prior art United States Patent 6,573,634 with an application date of June 1, 2001.

3. The drawings are objection to under 37 CFR 1.83(a) are withdrawn.

Claim Objections

4. The objections to Claims 1-18 are withdrawn.

Claim Rejections - 35 USC § 112

5. The rejection of Claims 12 and 18 under 35 U.S.C. 112, first paragraph, is withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 5, 9, 11-15, 17, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg (US 3411027). Rosenberg teaches a machine (motor or generator) with a radial air gap stator and rotor, where the rotor has pole pairs 49, 51 of opposite polarity and axial extension 50, 52 extending towards secondary air gaps which include axial and radial air gaps. Rosenberg teaches DC secondary excitation coils 58, 59, where the flux in the air gap is increased or decreased based upon the direction of the current through the coil. It is inherent the permanent magnets 54 on the rotor contains the excitation flux entering the pole pieces 49 or 51 to the radial air gap and inhibit flux leakage from the pole portions due to the close proximity of the north-north or south-south pole faces which are mounted on the non-magnetic shaft 53, to increase the flux in the radial air gap of Figure 5. Rosenberg shows the rotor being cylindrical with magnets 27 in grooves with pole pieces 26 to form poles of alternating polarity separated by PM material, and an axial projection 24 extending towards the axial/radial airgaps between 39/40. The apparatus is inherently an AC synchronous generator when the shaft is driven rotated by an external power source.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (US 3411027), in further view of Gay et al. (Gay)(US 2002/0117907).

Rosenberg teaches the excitation core is magnetic material. Rosenberg teaches every aspect of the invention except the material of the excitation core being iron, steel, iron alloy, or compressed ferromagnetic powder. Gay teaches compressed iron particles core because they have reduced eddy current losses. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the machine of Rosenberg with the magnetic material of the cores being compressed iron particles to reduce eddy current losses.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (US 3411027), in further view of Noda et al. (Noda)(JP 2000-278899).

Rosenberg teaches every aspect of the invention except shallow surface slits on the circumference and along the axial direction to reduce harmonic slot losses. Noda teaches shallow slits on the surface of the rotor to reduce harmonics losses. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the machine of Rosenberg with the shallow surface slits to reduce noise as taught by Noda.

11. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg (US 3411027), in further view of Roa et al. (Roa)(US 6097124).

Rosenberg teaches every aspect of the invention except the machine being a brushless DC machine. Roa teaches a brushless, permanent magnet machine with a field adjusting coil 112 can be operated as an DC or AC, motor or generator. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the machine of Rosenberg with the machine operating as a DC machine because Roa teaches that the PM machines can be operated with or produce either AC or DC current, and because the machine can be operated from a battery or an AC outlet.

Allowable Subject Matter

12. Claims 7, 8, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

13. Applicant's arguments filed 6/21/2005 have been fully considered but they are not persuasive. Applicant's arguments regarding Rosenberg figures 1 and 2 are not persuasive because the 35 USC 102 rejection is made over figures 3-6. The Applicant's argument regarding the permanent magnets containing the component flux is not persuasive because the flux will be contained by the permanent magnets 27 when the flux is flowing in the first polarity, which increase the flux in the air gap. Applicant's

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modified drawing showing Rosenburgs flux flow is incorrect. When a current is passed through the coils 37, 38 to add to the flux in the air gap, the flux will flow down pole extension 24 into pole 25 and radially towards the air gap, not down into the poles as shown in the Applicant's arguments. The rejection is proper and maintained.

Double Patenting

14. The Double Patenting rejections over the claims of Application No. 10/848450 and Application 11/019075 are withdrawn.

Conclusion

15. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


KARL TAMAI
PRIMARY EXAMINER

Karl I Tamai
PRIMARY PATENT EXAMINER
August 11, 2005